IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 958 OF 2007

IN

NOTICE OF MOTION NO. 349 OF 2007

IN

S.C. SUIT NO. 425 OF 2007

Mr. Morris Nicoles Buthelo & Ors. .... Appellants

Vs.

R.K. Builders .... Respondent

Mr. N.V. Walawalkar, Senior Counsel i/b
Mr. R.S. Mishra for the Appellants
Mr. T.R. Patel for Respondent.

CORAM : J.H. BHATIA, J.
DATE : 11TH DECEMBER, 2007

P.C.

1) Heard the learned Counsel appearing for the parties. Admittedly this appeal is against the ad-interim order of injunction in terms of prayers (a) and (b) on the facts alleged in the Notice of Motion. The Notice of Motion is still pending before the Trial Court. After some discussions at the bar, the learned Counsel for both the parties, agreed that this appeal may be disposed of by setting aside the interim relief to the extent of Prayer clause (a) while the interim relief to the extent of Prayer Clause (b) be maintained, pending

the decision on the Notice of Motion. The learned Counsel for the parties also agreed that both the parties be directed to maintain status-quo. In view of this, the appeal stands disposed of with the following directions :

(i) The impugned order to the extent of Prayer clause (a) in the Notice of Motion is hereby set aside.

(ii) Ad-interim order to the extent of Prayer Clause (b) shall continue to be in force till the decision on the Notice of Motion.

(iii) Parties shall maintain status quo in respect of the property, pending the Notice of Motion.

2) In view of the disposal of the appeal, Civil Application No. 1316 of 2007 also stands disposed of.

(J.H. BHATIA, J.)